UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,339	03/09/2001	Richard A. Wiltshire	122923-1000	7334

			EXAMINER
32914	7590	12/11/2006	BANTA, TRAVIS R

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ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/803,339	WILTSHIRE ET AL.
		Examiner	**Art Unit**
		Travis R. Banta	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on *18 January 2006*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14,30,31 and 45-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14,30,31 and 45-51* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *09 March 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14, 30-31, and 45-51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Texas Lotto Club in view of Snowden et al. US(5,417,424) in further

view of Yacenda US(6,322,446).

Regarding claim 1, Texas Lotto Club describes a lottery pool management

system that is configured to communicate with several participant computers, also

configured to enable a plurality of pool participants to participate in several lottery pools

and enables participants to exchange information before the pool drawings, also

enabled to inform participants via computer of all the sets of numbers that have been

entered prior to the drawing and sharing with any winnings of the lottery with the

multiple players (see Way Back machine under www.texaslottoclub.com FAQs). Texas

Lotto Club fails to teach a method of determining if a winning event has occurred within

a given set of numbers. In an analogous machine, Snowden et al. ('424) teaches the

use of a player operated win checker to determine whether a winning event has

occurred (see abstract). It would have been obvious at the time of the invention to

combine the player operated automated win checker with the Texas Lotto Club system

as it would be unwieldy for an individual to compare the numbers of so many lottery

tickets by hand. Such a combination would facilitate ease in determination of a winning ticket.

Texas Lotto Club and Snowden et al. ('424) fail to teach using a computer system to notify participants of a winning lottery number. In another similar machine, Yacenda ('446) teaches the use of a notification interface on several participant and agent networks to inform participants of lottery winnings via a computer interface (see column 3 lines 55-60). It would have been obvious at the time of the invention to combine Yacenda ('446)'s notification system with the Texas Lotto Club and Snowden ('424) to provide automatic notification as a result of the automatic determination of a win.

Regarding claim 2, The Texas Lotto Club manager states that his motivation for creating the club is to win the lottery and that he participates in the lottery pool. Thus, pool participants can create new lottery pools (see Way Back Machine, www.texaslottoclub.com FAQ "How do you run the club for free?")

Regarding claim 3, Yacenda ('446) discloses a ticket entry module to allow participants to enter numbers into the pool and change the numbers (see abstract).

Regarding claim 4, Texas Lotto Club provides a system to allow participants to view pool history including past numbers, players, and groups. It also discloses notifying those participating in a lottery pool after a total payout of $15 million is reached (see way back machine, www.texaslottoclub.com).

Regarding claim 5, Texas Lotto Club teaches players can play the lottery with any numbers that are desired although the website teaches a suggested method of play. (see way back machine, www.texaslottoclub.com).

Regarding claim 6, Yacenda ('446) teaches a lottery interface configured to retrieve rules associated with a lottery (see Fig 2A –105).

Regarding claim 7, Yacenda ('446) teaches purchasing tickets at the request of any lottery participants (see abstract).

Regarding claim 8, Snowden ('424) teaches notification to players as a result of a completed drawing (see abstract).

Regarding claim 9, Texas Lotto Club teaches the notification of participants when the total payout of the lottery exceeds $15 million (see way back machine www.texaslottoclub.com FAQ).

Regarding claim 10, Snowden ('424) and Texas lotto club teach the use of a database in lottery management (see figure 1 and way back machine www.texaslottoclub.com).

Regarding claim 11, Snowden ('424) teaches the use of a database in lottery management including number information (see figure 1).

Regarding claim 12, Texas lotto club teaches databases which contain information on lottery pools (see way back machine www.texaslottoclub.com).

Regarding claim 13, Texas lotto club teaches databases which contain information concerning pool participants (see way back machine www.texaslottoclub.com).

Regarding claim 14, Texas lotto club teaches databases which contain information concerning a lottery (see way back machine www.texaslottoclub.com).

Regarding claim 30, it is well known that computers using the internet are involved in a global communications network including one or more participant computers. The Texas lotto club also teaches a lottery pool management server in communication with participants via the internet (a global communications network).

Texas Lotto Club also describes a lottery pool management system that is configured to communicate with several participant computers, also configured to enable a plurality of pool participants to participate in several lottery pools and enables participants to exchange information before the pool drawings, also enabled to inform participants via computer of all the sets of numbers that have been entered prior to the drawing and sharing with any winnings of the lottery with the multiple players (see Way Back machine under www.texaslottoclub.com FAQs). Texas Lotto Club fails to teach a method of determining if a winning event has occurred within a given set of numbers. In an analogous machine, Snowden et al. ('424) teaches the use of a player operated win checker to determine whether a winning event has occurred (see abstract). It would have been obvious at the time of the invention to combine the player operated automated win checker with the Texas Lotto Club system as it would be unwieldy for an individual to compare the numbers of so many lottery tickets by hand. Such a combination would facilitate ease in determination of a winning ticket.

Texas Lotto Club and Snowden et al. ('424) fail to teach using a computer system to notify participants of a winning lottery number. In another similar machine,

Yacenda ('446) teaches the use of a notification interface on several participant and agent networks to inform participants of lottery winnings via a computer interface (see column 3 lines 55-60). It would have been obvious at the time of the invention to combine Yacenda ('446)'s notification system with the Texas Lotto Club and Snowden ('424) to provide automatic notification as a result of the automatic determination of a win.

Regarding claim 31, the manager of the pool notes on the Texas Lotto Club website that his desire in operating the pool is that he wants to win the lottery. Thus he is a participant in the pool and pool participants can create new lottery pools (see way back machine www.texaslottoclub.com FAQ).

Regarding claim 45, Texas Lotto Club describes a lottery pool management system for operation on an electronic communications network that is configured to communicate with several participant computers, also configured to enable a plurality of pool participants to participate in several lottery pools and enables participants to exchange information before the pool drawings, also enabled to inform participants via computer of all the sets of numbers that have been entered prior to the drawing and sharing with any winnings of the lottery with the multiple players (see Way Back machine under www.texaslottoclub.com FAQs). Texas Lotto Club fails to teach a method of determining if a winning event has occurred within a given set of numbers. In an analogous machine, Snowden et al. ('424) teaches the use of a player operated win checker to determine whether a winning event has occurred (see abstract). It would have been obvious at the time of the invention to combine the player operated

automated win checker with the Texas Lotto Club system as it would be unwieldy for an

individual to compare the numbers of so many lottery tickets by hand. Such a

combination would facilitate ease in determination of a winning ticket.

Texas Lotto Club and Snowden et al. ('424) fail to teach using a computer

system to notify participants of a winning lottery number. In another similar machine,

Yacenda ('446) teaches the use of a notification interface on several participant and

agent networks to inform participants of lottery winnings via a computer interface (see

column 3 lines 55-60). It would have been obvious at the time of the invention to

combine Yacenda ('446)'s notification system with the Texas Lotto Club and Snowden

('424) to provide automatic notification as a result of the automatic determination of a

win.

Regarding claim 46, the manager of the pool notes on the Texas Lotto Club

website that his desire in operating the pool is that he wants to win the lottery. Thus he

is a participant in the pool and pool participants can create new lottery pools (see way

back machine www.texaslottoclub.com FAQ).

Regarding claim 47, Yacenda ('446) discloses a ticket entry module to allow

participants to enter numbers into the pool and change the numbers (see abstract).

Regarding claim 48, Texas Lotto Club provides a system to allow participants to

view pool history including past numbers, players, and groups (see way back machine,

www.texaslottoclub.com).

Regarding claim 49, the combination as disclosed between Texas lotto club,

Snowden et al ('424) and Yacenda ('446) is configured to enable a notification interface

of notifying players of a win. It is inherent that such a device would also be a

comparison module to determine if the results were winners at any time.

Regarding claim 50, Yacenda ('446) teaches purchasing tickets at the request of

any lottery participants (see abstract).

Regarding claim 51, the combination as disclosed between Texas lotto club,

Snowden et al ('424) and Yacenda ('446) is configured to enable a notification interface

of notifying players of a win. It is inherent that such a device would also be a

comparison module to determine if the results were winners at any time. A notification

interface would also display the winning numbers to a player and which/how many were

winning numbers.

Response to Amendment

The examiner acknowledges receipt of the letter dated January 11, 2006. The

action was in error. The examiner apologizes for the error.

The examiner also withdraws the 35 U.S.C. 101 rejections of claims 1-14 and

also regrets to inform the applicant of the withdrawal of the notice of allowability directed

to claims 30-31 and 45-51. In light of the new art, these claims now stand rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Travis R. Banta whose telephone number is (571) 272-

1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

Ronald Laneau
Primary Examiner
12/7/06